IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 2091 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 31-8-2004 in WP NO: 11653 OF 2004 on the file of the High Court.)

Between:

Mr.N.V.Ramana Murthy, S/o.Late Sri N.Suryanaryana Murthy,aged about 46 years, R/o.Flat No.203, Venkateshwara Towers,
Akkayapalem, Visakhapatnam.

..... APPELLANT

AND

1 Chairman & Managing Director, Syndicate Bank Head office: Manipal, Karnataka.
2 Dy.General Manager, Syndicate Bank, Head office: Manipal, Karnataka.
3 The Superintendent of police, Centra Bureau of Investigation MVP Colony, Visakhapatnam.

.....RESPONDENTS

Counsel for the Appellant: MR.N.PANDAIAH

Counsel for the Respondent No.1 and 2: MR.A.KRISHNAM RAJU

Counsel for the Respondent No.3: MR.C. SADASIVA REDDY

The Court at the admission stage made the following:

JUDGMENT : (Per the Honourable Smt. Justice T.Meena kumari)

This writ appeal is filed by the writ petitioner-appellant herein aggrieved by the order in W.P. No: 11653 of 2004, under which the learned single Judge dismissed the said writ petition.

W.P. No: 11653 of 2004 has been filed by the writ petitioner-appellant herein seeking to declare the action of the respondents in keeping his services under suspension as illegal, improper and arbitrary and direct the respondents to reinstate him with all back wages, increments, benefits including fringe benefits etc., The learned single Judge having observed that as the suspension of the services of the petitioner is not as a measure of punishment, but it is only to facilitate so as to complete the enquiry and apart from that, subsisting allowances is being paid to the petitioner during the suspension period, according to rules, the suspension order dated 30-10-2003 issued by the respondents 1 and 2 cannot be set aside, dismissed the writ petition. Having aggrieved by the same, the present writ appeal is preferred by the writ petitioner.

Heard the learned counsel on either side.

We have perused the order impugned. It is observed by the learned single Judge that as the petitioner has committed serious lapses, involving fraudulent aspects, which are detrimental to the interest of the Bank, he was placed under suspension, pending enquiry. It is further observed that the suspension of the services of the petitioner is not as a measure of punishment, but it is only to facilitate so as to complete the enquiry and subsisting allowances is being paid to the petitioner during the suspension period, according to the rules and therefore, the order dated 30-12-2003 cannot be set aside.

In the facts and circumstances of the case and in view of the fact that the order impugned herein pertains to suspension, which is not a final order, we do not see any merits in this appeal and as such, the same is liable to be dismissed.

Accordingly, the writ appeal is dismissed. No costs.

Justice T.Meena kumari

23rd December, 2004

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justice S.Ananda Reddy

Dvs/Gurc.

Copies to:

To

1 Chairman & Managing Director, Syndicate Bank Head office: Manipal, Karnataka.
2 Dy.General Manager, Syndicate Bank, Head office: Manipal, Karnataka.
3 The Superintendent of police, Centra Bureau of Investigation MVP Colony, Visakhapatnam.

4 Two CD copies.

THE HONOURABLE SMT.JUSTICE T. MEENA KUMARI

&

THE HONOURABLE SRI JUSTICE S.ANANDA REDDY

W.A.No.2091 of 2004

(Judgment delivered by

the Honourable Smt. Justice T.Meena kumari)

23rd December, 2004